

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PIERCE L. GROCE,

No. C 08-00966 SBA (PR)

Petitioner,

**ORDER OF TRANSFER**

v.

CALIFORNIA BOARD OF PRISON TERMS,  
et al.,

Respondents.

Petitioner, a state prisoner, has filed a pro se petition for a writ of habeas corpus in which he challenges the execution of his sentence. He has paid the full filing fee.

A petition for a writ of habeas corpus filed by a state prisoner in a State that contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. See 28 U.S.C. § 2241(d). The district court where the petition is filed, however, may transfer the petition to the other district in the furtherance of justice. See id. Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. See Dannenberg v. Ingle, 831 F. Supp. 767, 767 (N.D. Cal. 1993); Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968). But if a habeas petition is directed to the manner in which a sentence is being executed, e.g., if it involves parole or time credit claims, the district of confinement is the preferable forum. See Habeas L.R. 2254-3(a); Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989).

Petitioner is incarcerated at the California Substance Abuse Treatment Facility at Corcoran State Prison, which lies within the venue of the Eastern District of California. See 28 U.S.C. § 84.



1 Because Petitioner challenges the execution of his sentence, the Court hereby ORDERS that  
2 pursuant to 28 U.S.C. § 1404(a) and Habeas L.R. 2254-3(b), and in the interests of justice, this peti-  
3 tion be TRANSFERRED to the United States District Court for the Eastern District of California.

4 IT IS SO ORDERED.

5 DATED: 6/11/08

  
SAUNDRA BROWN ARMSTRONG  
UNITED STATES DISTRICT JUDGE

United States District Court  
For the Northern District of California



1  
2 UNITED STATES DISTRICT COURT  
3 FOR THE  
4 NORTHERN DISTRICT OF CALIFORNIA

5  
6  
7 PIERCE L GROCE,

Case Number: CV08-00966 SBA

8 Plaintiff,

**CERTIFICATE OF SERVICE**

9 v.

10 CALIFORNIA DEPT OF CORRECTIONS et al,

11 Defendant.  
12 \_\_\_\_\_/

13 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court,  
14 Northern District of California.

15 That on June 12, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies)  
16 in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in  
17 the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's  
18 office.

19 Pierce Landrum Groce P05958  
20 Corcoran State Prison - C.S.A.T.F.  
P.O. Box 5248  
Corcoran, CA 93212

21 Dated: June 12, 2008

22 Richard W. Wieking, Clerk  
By: LISA R CLARK, Deputy Clerk  
23  
24  
25  
26  
27

28 P:\PRO-SE\SBA\HC.08\Groce0966.transfer.wpd 3